

NEVADA'S FY 2015
RECREATIONAL TRAILS PROGRAM
“RecTrails”
GRANTS MANUAL

APPLICATIONS DUE FRIDAY, FEBRUARY 27, 2015

***Nevada's FY 2015 apportionment for projects is
Approximately \$1,200,000.***

Recreational Trails Program funding is subject to change. As of the release of this manual, program funding has been appropriated at approximately 50% under a continuing resolution, it is estimated that the remainder will be released prior to March 30, 2015.

APPLICATIONS DUE FEBRUARY 27, 2015 BEFORE 5:00 PM PACIFIC STANDARD TIME,
STAMPED AS RECEIVED AT NEVADA STATE PARKS
901 S. STEWART STREET, SUITE 5005, CARSON CITY, NV 89701.

PLEASE SUBMIT 3 FULL COPIES DOUBLE SIDED AND ONE ELECTRONIC COPY ON CD OR FLASHDRIVE
DO NOT ATTACH ITEMS NOT REQUIRED.

THE COMMITTEE MEETING AND PRESENTATION LOCATION AND DATE WILL BE ANNOUNCED.

**THIS IS A REIMBURSEMENT PROGRAM; THE APPLICANT'S ORGANIZATION MUST HAVE
AUTHORIZED AND APPROPRIATED FINANCIAL RESOURCES TO PAY THE PROJECT COSTS
AS THEY ARE INCURRED AND SUBMIT FOR
QUARTERLY REIMBURSEMENTS. THERE ARE NO ADVANCE PAYMENTS.**

National Recreational Trails Program
CFDA 20.219



Nevada Division of State Parks

Department of Conservation and Natural Resources

Brian Sandoval
Governor, State of Nevada

Leo Drozdoff
Director, Department of Conservation
And Natural Resources

Eric Johnson
Administrator, Division of State Parks

**Jennifer Scanland, Parks and Recreation Program Manager,
State Trails Administrator**

The policy of the Department of Conservation and Natural Resources is to fully comply with the intent of Title VI of the Civil Rights Act of 1964. Title VI provides that no person in the United States shall, on grounds of race, color, or national origin, be excluded from participating in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance.

The preparation of this manual was financed through funds from the Federal Highway Administration under the provisions of MAP 21 for FFY 2014 and 2015. This authorized the Recreational Trails Program to fund projects as a line item in the Transportation Alternatives section of the Act.

CFDA 20.219

For references to the applicable cost principles

http://www.fhwa.dot.gov/environment/recreational_trails/guidance/financial_management/

2 CFR 220 cost principles for Educational Institutions
2 CFR 225 for local, state and Indian tribal governments
2 CFR 230 for non-profit organizations can be found at:

http://www.fhwa.dot.gov/environment/transportation_enhancements/guidance/allowcosts.cfm

These regulations spell out the ‘allowable’ costs under most federal grant programs” This manual and the interim guidance http://www.fhwa.dot.gov/environment/recreational_trails/legislation provides an additional level of regulation which defines allowable costs down to ‘eligible’. If it is “allowable” under CFR, it may not be “eligible” under this recreation trails program. Please contact State Parks to assist you with your questions.

This edition is effective for the FY 2015 funding cycle only, these changes are program and law driven due to new legislation under MAP 21 and internal workload and budget cuts. Others are correction in the state RTP manual resulting from strict review of the federal regulations and correction of conflicts.

1. Grantees should prioritize their own projects if they are submitting multiple applications. They will be competing against themselves.
2. All match must be directly related to the project in the grant application. If the project covers a broad recreation use, do not include the costs of items or tasks that are not directly related to the project proposal.
3. Special attention will be paid on prescreening of applications. “Completeness of application”; if the application is not complete, it will not be forwarded to the committee for review.
4. **NEW! - INDIRECT COSTS** - If the applicant has a Federally Negotiated **ICAP** (Indirect Cost Allocation Plan), they can claim “up to 7%” of the federal portion of the grant as indirect. Because there is an ICAP, the remaining % of the ICAP can be claimed as match. The ICAP must be current and not expired, with the cognizant federal agency.
5. If a grantee does not have an ICAP, they cannot claim 7% indirect costs. If a grantee wishes to develop an ICAP, they must submit one with this application to State Parks who will work with Federal Highways to accept ICAP proposals prior to grant award. If the applicant has no ICAP, no indirect costs can be reimbursed or used for match.
6. For the year 2015 grants, trained volunteer hours-in-kind used for match has a value of \$22.00 per hour; untrained is \$15.00.
7. Mileage rate for 2015 is .56 and includes gas and maintenance of the vehicle.

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RECTRAILS PROGRAM SUMMARY

MOST UP TO DATE FEDERAL GUIDANCE

http://www.fhwa.dot.gov/environment/recreational_trails/guidance/rtp9908.pdf

Federal funding is authorized under the “Moving Ahead for Progress in the 21st Century Act” (MAP-21), Public Law 112-141. This Program provides for the allocation of federal gas taxes paid on non-highway recreation fuel use and is administered by the Federal Highway Administration (FHWA). Federal rescissions are a possibility that would reduce available funding. Administration of the program has been delegated by the Governor through the Nevada Department of Transportation to the Division of State Parks.

The RTP is designed to supplement and assist current federal, state, local and volunteer trail efforts. Through financial and technical assistance, and improved communications among all trail interests, the program is intended to expand the quantity and improve the quality of recreational trails in America. This program requires states to (1) designate a state official responsible for the trails program, (2) create a state recreational trails advisory board and (3) use the funds to meet the goals of the Trails Act.

The Division of State Parks has an approved 2010 Statewide Comprehensive Outdoor Recreation Plan (SCORP) that addresses issues related to recreational trails. In addition, the Nevada 2005 State Recreational Trails Plan lists issues (see Appendix D for a complete list of all 13 State Trails Plan issues). Projects submitted for funding will be specifically assessed as they address State Recreational Trails Plan issues.

FHWA guidelines require each state to establish a State Recreational Trails Advisory Board (SRTAB) consisting of both motorized and non-motorized trail users. This board is charged with evaluating proposed projects and making recommendations on projects to be funded. In Nevada, an Ad Hoc Nevada State Recreational Trails Advisory Committee, comprised of federal, state, and local government officials, and representatives of trail user groups from across Nevada, performs this function. See Nevada State Parks website <http://parks.nv.gov/> for more information.

States may provide funds as grants to private individuals and organizations, city, county, state, and federal governmental entities, and special government districts, such as General Improvement Districts.

FUNDING INFORMATION 2015

All project sponsors are advised to read this manual thoroughly before proceeding with an application. Project sponsors are *highly encouraged* to call the State Trails Administrator, Jenny Scanland at (775) 684-2787 for application assistance.

MOST UP TO DATE FEDERAL GUIDANCE

http://www.fhwa.dot.gov/environment/recreational_trails/guidance/rtp9908.pdf

The RecTrails Program is a reimbursable program for costs actually incurred. Project sponsors must incur project costs and then submit requests for reimbursement with proof of payment. Project sponsors may request reimbursement quarterly while the project is underway. A minimum of two reimbursements are required to show project is moving forward one at 50% and at 100%. Costs incurred prior to project approval and issuance of a Notice to Proceed, are not eligible for reimbursement. Payments usually take over one month to process.

FUNDING ALLOCATION: Federal requirements mandate a maximum of 7% of the state's allocation may be used by the state to administer the program.

http://www.fhwa.dot.gov/environment/recreational_trails/legislation/#use

- i. 40 percent shall be used for recreational trail or related projects that facilitate diverse recreational trail use within a recreational trail corridor, trailside, or trailhead, regardless of whether the project is for diverse motorized use, for diverse nonmotorized use, or to accommodate both motorized and nonmotorized recreational trail use;
- ii. 30 percent shall be used for uses relating to motorized recreation; and
- iii. 30 percent shall be used for uses relating to nonmotorized recreation.

AMOUNT YOU CAN REQUEST: Non-motorized and educational applications have a funding request maximum of \$200,000 and a minimum of \$10,000. Motorized applications have no maximum request ceiling, and a minimum of \$10,000.

MATCHING REQUIREMENTS

- There is a required matching share from a project sponsor. In Nevada, the match requirements are 20% matching share for non-motorized and education projects and 5% for motorized projects.
- The matching share may include volunteer labor, in-kind services, cash, materials, and services at fair market value. Please only submit match directly related to the construction or implementation of the program. Do not over inflate your match. Match expenditures must meet the same eligibility standards as grant monies.

- In 2012, the RTP committee voted to allow (beginning with 2012 grants) for one public trail work day to occur per project and the costs including volunteer hours can be used as match not to exceed \$2,000.00. (Volunteer rate valued at \$22.55 per hour (“Independent Sector”).
- Federal funds can be used toward the 20% matching share; the total federal share cannot exceed 95% of the total project cost. Non-federal funds must provide the minimum of 5% of the total project cost.
- ***PLANNING AND ENVIRONMENTAL ASSESSMENT COSTS INCURRED PRIOR TO PROJECT APPROVAL.***—*The Secretary may allow* preapproval planning and environmental compliance costs ***to be credited toward the non-Federal share*** of the cost of a project described in subsection (d)(2) (other than subparagraph (H)) in accordance with subsection (f), limited to costs incurred less than 18 months prior to project approval. ***They may not be reimbursed, only used as match.***
- **INDIRECT COSTS** - If the applicant has an **ICAP** (Indirect Cost Allocation Plan), they can claim “up to 7%” of the federal portion of the grant. Because there is an ICAP, the remaining amount can be claimed as match. The ICAP must be current and not expired, with the cognizant federal agency. The remaining ICAP % amount can be used as match.
- If a grantee does not have an ICAP, they cannot claim 7% indirect costs. If a grantee wishes to develop an ICAP, they must submit one with this application to State Parks who will work with Federal Highways to accept ICAP proposals prior to grant award. If the applicant has no ICAP, no indirect costs can be reimbursed or used for match.

PROJECT CATEGORIES

The funding categories are defined as:

➤ **Category 1 - Non-motorized for single use.**

A project primarily intended to benefit only one mode of non-motorized recreational trail use, such as pedestrian only, or equestrian only. Projects serving various pedestrian uses (such as walking, hiking, wheelchair use, running, bird-watching, education, interpretation, backpacking, etc.) constitute a single use for the purposes of this category. Note: wheelchair use by mobility-impaired people, whether operated manually or powered, constitutes pedestrian use, not motorized trail use. Projects serving various non-motorized human-powered snow uses (such as skiing, snow shoeing, etc.) constitute a single use for this category.

➤ **Category 2 - Non-motorized for diverse use.**

A project primarily intended to benefit more than one mode of non-motorized recreational trail use such as: walking, bicycling, and skating; both pedestrian and equestrian use; and pedestrian use in summer and cross-country ski use in winter.

➤ **Category 3 - Diverse use (motorized and non-motorized).**

A project intended to benefit both non-motorized recreational trail use and motorized recreational trail use. This category includes projects where motorized use is permitted, but is not the predominant beneficiary. This category includes projects where motorized and non-motorized uses are separated by season, such as equestrian use in summer and snowmobile use in winter. Other examples: a common trailhead project

serving separate ATV and bicycle trails; purchasing a machine to groom both snowmobile and cross-country ski trails.

➤ **Category 4 - Motorized for single use.**

A project primarily intended to benefit only one mode of motorized recreational use, such as snowmobile trail grooming. A project may be classified in this category if the project also benefits some non-motorized uses (it is not necessary to exclude non-motorized uses), but the primary intent must be for the benefit of motorized use.

➤ **Category 5 - Motorized for diverse use.**

A project primarily intended to benefit more than one mode of motorized recreational use, such as: motorcycle and ATV use; or ATV use in summer and snowmobile use in winter. A project may be classified in this category if the project also benefits some non-motorized uses (it is not necessary to exclude non-motorized uses), but the primary intent must be for the benefit of motorized use.

Projects in categories 1 and 2 count towards the 30% non-motorized category. Projects in categories 4 and 5 count towards the 40% motorized minimum. Projects in categories 2, 3 and 5 count towards the 30% diversified minimum. If an educational project includes a motorized component ‘on the ground,’ you may apply for the motorized category.

If the State chooses not to use all of the 5% allowance for “educational” projects, this money is redistributed into the assured access funding categories (motorized, non-motorized and diversified) according to the required 40/30/30 distribution.

PROGRAM TECHNICAL ASSISTANCE

Technical assistance is available through the Nevada Division of State Parks. Planning staff will make every effort possible to answer questions regarding procedures, the proper completion of quarterly reports and requests for reimbursement.

DESIGN STANDARDS

Project sponsors are required to identify the standards used for each trail project. **A final inspection will be conducted to ensure the design standards stated on the application were applied. The final reimbursement will not be released until the project has passed a final inspection, as determined by Nevada State Parks.**

Facilities intended for use as bicycle transportation facilities must meet or exceed the guidelines in AASHTO's *Guide for the Development of Bicycle Facilities*. Signs should conform to the *Manual on Uniform Traffic Control Devices* and/or *Standard Highway Signs*, particularly for trails within or crossing highway rights-of-way. The latter manual does allow some variable dimensions for trail signs. **NOTE: All proposed projects that include bicycle transportation paths and routes should be included in both Local and State Bicycle Plans (bike lanes are not eligible).**

PROJECT IMPLEMENTATION AND GRANT ADMINISTRATION

NOTIFICATION OF GRANT ACCEPTANCE AND FUNDING APPROVAL

The Recreational Trails Program Manager will notify all applicants of grant eligibility following the grant application deadline. Successful applicants and those denied following the Ad Hoc Nevada State Recreational Trails Advisory Committee and final review will be contacted within two weeks of the committee meeting. Projects accepted as viable will be included in the state's consolidated grant application to the FHWA.

Only after the Division of State Parks has been notified of FHWA's approval will individual grant agreements be approved. Funds will be allocated to projects based on the priority scoring and conditions set forth by the Administrator of State Parks until available funds are depleted. Viable projects that do not score high enough to receive funding will have to reapply the next year. No project will be considered active or viable for reimbursement until a Notice to Proceed is issued.

PROJECT IMPLEMENTATION

Upon receipt of a fully executed Project Agreement and Notice to Proceed, the grant recipient shall initiate activities to undertake the approved scope of work. Costs incurred by grant recipients *prior* to receipt of a fully executed Project Agreement and Notice to Proceed are not eligible for funding unless specifically authorized as planning match as described under the "Funding Information" section and specifically listed in the funding agreement.

Key Factors in implementing the RecTrails Project

1. Once approved, the grant application and funding agreement are both part of the binding contract. The grant recipient shall treat the application as a binding contract and plan the implementation of the RecTrails project accordingly.
2. The RecTrails project shall be completed by the completion date cited in the Project Agreement issued by the Division of State Parks to the grant recipient and is generally not to exceed two years.
3. Project implementation shall include the timely submission of all quarterly progress reports. The sponsor shall be aware that the Division of State Parks must report the progress of all active RecTrails projects to the Federal Highway Administration Division Office for the State of Nevada. The State report is based on quarterly reports submitted by grant recipients. Should the grant recipient fail to submit the required quarterly progress reports on a timely basis, this failure could result in unfavorable actions by both the Division of State Parks and the FHWA Division Office on current and future RecTrails projects in which the grant recipient is involved.
4. The RecTrails Program is a reimbursable grant program. The grant recipient can only submit requests for reimbursements *after* the costs are incurred, not in advance. Credit for the

sponsor's match can only be awarded after the match has been accomplished and appropriately justified through complete documentation of costs.

5. Receipts and/or invoices from vendors and proof of payment, MUST support requests for reimbursements, this includes MATCH.
6. Final requests for reimbursement will be approved only if the match specified in the project application has been fulfilled. 10% of the grant will be withheld until all match is met, failure to provide match or complete the project can result in repayment of previous reimbursements in full.
7. The grant recipient shall be aware that all requests for reimbursement must be submitted on the Quarterly Progress Report and Request for Reimbursement forms.
8. Deviations from the project scope described in the project application and the project agreement will require an amendment to the project agreement reflecting the change in the scope. The grant recipient should consult with the RecTrails Program Manager **before** proceeding on the project if the scope of the project is subject to change. After consultation with the RecTrails Program Manager, the grant recipient shall submit, in writing, a request to amend the project scope. The RecTrails Program Manager will process the request to amend the scope following the guidelines outlined under Project Extensions if change is not outside the original intent of the grant and within the originally submitted NEPA documentation.
9. Land owned by the grantee, or in the case of a nonprofit grantee or governmental entity, which is **acquired** with RTP funds, shall have a deed restriction upon said property as an outdoor recreational site open, accessible and maintained for the use and benefit of the general public for ninety-nine (99) years. Land under ownership of the grantee or controlled such as by lease, upon which RTP funding for trail access development or maintenance is being used, shall be dedicated as an outdoor recreation trail open, accessible and maintained for the use and benefit of the general public for a minimum of twenty-five (25) years after the project completion date as set forth in the Project Agreement. A lease must not be revocable at will and must contain a clause which enables the grantee to dedicate the land for the twenty-five (25) year period. All deed dedications must be recorded in the public property records by the grantee, or in the case of a nonprofit grantee, by the land owner.

The grantee must have and prove sufficient control and tenure of the project site that a loss of use will not occur without appropriate mitigation to the satisfaction of the Division of State Parks and FHWA.

PERMISSIBLE USES

According to RTP Legislation: 23 U.S.C. 206:

A grant recipient may use moneys received from the RecTrails Program to:

1. Provide for trail related educational programs;
2. Purchase trail building tools: only non-profit citizen volunteer organizations are eligible to purchase trail building tools. They must be in conjunction with current trail projects (don't have to be RTP funded projects) and must be inventoried and reported to State Parks annually for five years after receipt from a grant;
3. Develop urban trail linkages near homes and workplaces; community gardens with trail components;

4. Maintain existing recreational trails, including the grooming and maintenance of trails across snow;
5. Restore areas damaged by usage of recreational trails and backcountry terrain;
6. Develop trailside and trailhead facilities;
7. Provide features that facilitate the access and use of trails by persons with disabilities;
8. Acquire easements for trails, or for trail corridors;
9. Acquire fee simple title to property from a willing seller, when the objective of the acquisition cannot be accomplished by acquisition of an easement or by other means;
10. Construct new trails and signage;
11. Maintenance of trails, sign replacement etc. that have not been funded within twenty-five (25) years of current application;
12. Construction of new trails crossing federal lands if the construction is approved by the administering agency of the State and the Federal agency charged with management of all impacted lands. **Sponsor must include NEPA decision document and support letter in the grant application;**
13. Landscaping and trailhead facilities are eligible; however, landscaping should be a relatively small portion of an overall project;
14. Utilities that are directly related to the trail project are eligible such as lighting, drinking fountains, horse washing stations, toilets, electric, irrigation etc; and

USES NOT PERMITTED (PROJECTS NOT ELIGIBLE)

A grant recipient may not use moneys received from the RecTrails Program for:

1. FHWA recently issued new guidance on the purchase of promotional items. In general, the purchase of promotional items with Federal funds is prohibited. This includes pens, cups, shoelaces, key chains, baseball caps, paperweights, magnets, matchbooks, patches, t-shirts, scissors, balloons, and buttons. Also, you may not use the value of the items to count as a match for Federal funds. THEREFORE: the purchase of caps, t-shirts, patches, pins, pens, stickers, license plates, flashlights, etc are not eligible for RTP funds or count as match.
2. Condemnation of any kind of interest in property;
3. Construction of any recreational trail on federal land for any motorized use, unless the land has been designated for use other than wilderness by an approved forest land and resource management plan or has been released for use other than wilderness by an Act of Congress, and the construction is otherwise consistent with the management direction in the approved land and resource management plan;
4. Upgrading, expanding, or otherwise facilitating motorized use or access to recreational trails predominantly used by non-motorized recreational trail users and on which, as of May 1, 1991, motorized use was prohibited or had not occurred; and
5. Small office equipment and other small equipment may not be purchased with RTP funds. Small equipment cannot be used as match either. Equipment over \$5,000 is eligible, if authorized by the Division of State Parks.

As per FHWA the following kinds of projects are also NOT eligible under RTP legislation:

Trail Feasibility Studies: Trail feasibility studies are not permissible use according to RTP legislation. Permissible use relates to actual on-the-ground trail projects.

Planning: Trail planning is not listed among the permissible use according to RTP legislation. Therefore, a project proposal solely for the purpose of trail planning would not be eligible for funding under permissible use categories. However, if trail planning is a relatively small portion of an overall trail project (15%), it may be allowed. Planning and NEPA costs may be used for matching funds, if preformed less than 18 months prior to the grant award.

Sidewalks or bike lanes: RTP funds should not be used to provide sidewalks along or adjacent to public roads or streets, unless the path or sidewalk is needed to complete a missing link between other recreational trails. Bike lanes in the road are not eligible.

Parks: RTP funds should not be used to provide parks and park related features such as picnic areas, day use or camping areas or amphitheatres. *Trail components or associated facilities must serve the purpose and safe use of the recreational trail.*

Operations: trail or park operations (annual management and maintenance of a facility or area).

FINANCIAL RESPONSIBILITY

http://www.fhwa.dot.gov/environment/recreational_trails/guidance/financial_management/

**2 CFR 220 cost principles for Educational Institutions
2 CFR 225 for local, state and Indian tribal governments
2 CFR 230 for non-profit organizations can be found at:**

http://www.fhwa.dot.gov/environment/transportation_enhancements/guidance/allowcosts.cfm

The grant recipient shall be responsible for the financial management of approved projects. The grant recipient shall appoint a financial manager or supervisor who will be responsible for financial management of the project. The appointed financial manager shall adopt and install the appropriate internal controls to ensure the project is accomplished in the most efficient and economical manner.

PROCUREMENT PROCEDURES

For federal, state and local agency projects, the normal agency procurement procedures shall apply to all procurement activities and contract work, unless otherwise waived by proper authorities. Please refer to links above from FHWA.

TRAVEL COMPENSATION

Reimbursement to the Grantee for travel, meals, or lodging shall be subject to amounts and limitations used by the State of Nevada, as they are amended from time to time, and shall be contingent upon and limited by the Grant Budget funding for said reimbursement.

ACCOUNTING PROCEDURES

Grant recipients may recover administrative costs, if any, not to exceed 7% of the projects federal grant share. However, administration costs must pertain to the approved project and be included in the approved budget.

The total reimbursable funds made available for an approved project shall not exceed the approved budget as identified in the project agreement. Project sponsors shall be reimbursed only for actual expenses made in accordance with the project agreement and project application.

The grant recipient shall:

1. Keep adequate records on the particular project.
2. Fully support quarterly reimbursement requests with complete documentation of funds spent and match, such as invoices paid, timesheets, volunteer documentation and copies of checks and submit them in an orderly manner.
3. Provide accounting procedures necessary to assure proper disbursement and accounting for money paid.
4. Base the accounting procedures on generally accepted accounting standards and meet the following minimum requirements unless the Division of State Parks agrees to specific exceptions:
 - a) Establishment of separate accounts and supporting documentation. Each project account should be identified by the number assigned to the project by the Division of State Parks.
 - b) Identification of all receipts in sufficient detail to show the dates and sources of such receipts. Receipts and/or invoices should be labeled and costs clearly marked as to whether they apply to the grant share or matching share.
 - c) Itemization of all supporting records of project expenditures in sufficient detail to show the exact nature of expenditures.
 - d) When payment is by check, the canceled check should be properly identified and filed. Receipts and/or invoices must support all cash disbursements.
 - e) Do not submit more information than what is required for justification.

The Federal Highway Administration and State of Nevada can audit project sponsors projects. Records maintained by the Division of State Parks are subject to FHWA and state audits as well. The Division of State Parks will maintain all records provided by the project sponsor until such audits are conducted. The project sponsor shall retain all project records (including design plans, specifications, contracts, vouchers, etc.) for four years after the completion of the project.

As a sub-recipient of these federal funds, each project sponsor is reminded that sub-recipients of federal financial assistance must comply with the audit requirements of the Single Audit Act of 1984

and the Single Audit Act Amendments of 1996 as specified in OMB Circular A-133 Audits of State, Local Governments, and Non-Profit Organizations. The Single Audit Act raised the audit threshold to \$500,000 in federal expenditures. The \$500,000 audit threshold means that state and local governments, and non-profit organizations acting as RecTrails project sponsors are required to hire an independent firm to audit them when the *total of all federal grants* awarded to the sponsor in a sponsor's fiscal year from all federal sources reaches \$500,000. The project sponsor shall provide the Nevada Division of State Parks a copy of the entire audit. The Nevada Division of State Parks will review the entire audit to determine implications to the RecTrails project.

Documentation for Sponsor's Matching Share

The same amount of back-up justification is required for match as for reimbursements. If the sponsor's matching share includes volunteer labor, the grant recipient shall keep volunteer sign-in sheets which show the volunteer's name, date worked, number of hours worked, and type of work (i.e., clearing, planting, crew supervisor, equipment operator, etc.) to demonstrate if the work is classified as "skilled" or "unskilled" labor.

If "In-Kind Services" or "Hard Cash" are applied as match, the grant recipient will be required to provide adequate documentation in a format that fully accounts for the services or funds expended. The same amount of back-up justification is required for match as for reimbursements. Donated skilled labor (e.g., carpenter, mason, surveyor, crew supervisor, or equipment operator) is valued at the average or regular cost if you were to hire that work out. Donations of cash, labor or equipment must also be documented.

If a construction company is donating equipment or services, such as the donation of a grader, some type of record must be kept indicating what was donated and the value of the donation. In this example, the number of hours the grader was in operation and the standard charge-out rate the company normally applies to that particular piece of equipment would have to be documented to count as a matching donation.

PROGRESS REPORTS AND COMPLIANCE CONSTRUCTION INSPECTION

QUARTERLY PROGRESS REPORTS

Project sponsors shall submit quarterly progress reports (Appendix B) throughout the duration of the grant. Reports are comprised of Section A: *Quarterly Progress Reports* and Section B: *Request for Reimbursement*. Each project sponsor must submit quarterly progress reports to the Division of State Parks on or before January 10, April 10, July 10, and October 10 of each year. The first quarterly progress shall be due the first of these four dates that occurs after the issuance of the Notice to Proceed by the Division of State Parks to the project sponsor. The Division of State Parks shall report the quarterly progress of all active RecTrails projects to the FHWA Division Office in Nevada.

Sponsors who do not submit quarterly progress reports on time may risk losing their grant funds and/or eligibility for future grant awards. Projects must begin construction/implementation within one year of the grant award or they can be terminated.

CONSTRUCTION COMPLETION INSPECTION

At the completion of each project and before the final reimbursement, the grantee will request the Division of State Parks to conduct an on-site inspection of the project (Appendix C). The inspection will verify the project was completed per the approved Project Agreement, and all funded items are accounted for. The grantee may be requested to submit a FINAL REPORT demonstrating how the grant deliverables have been met and may include maps and photos.

Program compliance and project inspections will include, but not be limited to:

- Compliance with specifications and guidelines checked on project application.
- Project compliance and account records.
- Conformance to approved project scope.
- Environmental impact on the resources.
- Project workmanship.
- Health and safety measures to protect the workers and public during construction.
- Accessibility for persons with disabilities.
- Scheduled Progress.

RECORD RETENTION

The grant recipient shall retain all program and financial records for four years after the project is complete. At a minimum, the following records shall be maintained and made available for audit, with copies forwarded to the Division of State Parks:

- Payroll register by pay period showing the names, hours worked hourly rate, benefits, deductions, gross pay and net pay.
- Final Cost Summary of all payroll registers indicating applicable totals.
- Time Sheets signed by both employees and their respective supervisors, including volunteers.
- Receipts/Invoices for purchased materials.
- Receipts/Invoices for all design and construction costs.
- Each receipt/invoice shall include the date paid and check number.
- Canceled checks or copies thereof.

RECTRAIL RESPONSIBILITIES

At the federal level, the administration of the RecTrails Program rests with the Federal Highway Administration. In Nevada, the FHWA Division Office oversees the RecTrails Grants Program. Responsibility for the state's compliance with the terms of the Recreational Trails Program rests with the Division of State Parks. Project sponsors are responsible for keeping accurate and clear records,

and completing each project within the terms of the Project Agreement and Project Application in accordance with all federal and state guidelines, including this grants manual.

PENALTIES

Failure to comply with the provisions of this grants manual and other established guidelines may be considered cause for the Division of State Parks to withhold future payments to the project sponsor responsible for the infraction in question until any such discrepancies are corrected.

PROJECT DEADLINES AND EXTENSIONS

Project sponsors will be given 24 months to complete each RecTrails project awarded federal funding. Extending project deadlines increases staff workload and paperwork for both the grantee and the Division of State Parks; therefore, grantees should attempt to complete the project by the initially agreed upon deadline. Requests for extensions will be considered solely to complete a viable project and to protect the taxpayer's investment.

The Division of State Parks does not guarantee requests for extensions will be approved. Extensions will be approved in three-month increments, or as deemed necessary by Division of State Parks.

Before submitting a request for an extension, all grantees should meet the criteria listed below:

- Submit requests for extensions in writing for receipt by the Recreational Trails Program Manager before the expiration date of the grant.
- Fully justify requests for time extensions in writing, illustrating unavoidable delays.
- Grantee has not received an approval for a major scope change to the same project. The Federal Highway Administration will not approve extensions and a major scope change. In this instance, the project/grant would be cancelled and the applicant would have to reapply next round with new scope and budget. If grantee has received approval for a minor scope change, the Division of State Parks may consider approving an extension.
- To receive favorable consideration for a time extension, the grantee should have submitted timely quarterly progress reports throughout the life of the grant. For reporting purposes, (Division of State Parks to the Federal Highway Administration) grantees quarterly progress reports submitted between the 11th -15th of the month following the end of the previous quarter are considered late. Quarterly progress reports received after the 15th of the month following the end of the quarter are considered missing.

Failure to submit timely quarterly progress reports, as outlined above, or reports that reflect little or no progress toward completing the scope of work, will reflect unfavorably on the grantee's request for a time extension and could result in cancellation of the grant.

Grantees are strongly encouraged to determine how much time it will take to complete the project and request one extension accordingly. Multiple time extensions will only be considered if:

- Significant progress was made throughout the life of the project, including during the first extension.
- The grantee encounters problems caused by external factors completely beyond their control (new regulatory requirements, catastrophic events).
- Unforeseen circumstances arise during construction (physical, site specific problems).

COMPLIANCE RESPONSIBILITIES

Land owned by the grantee, or in the case of a nonprofit grantee or governmental entity, which is acquired with RTP funds, shall have a deed restriction upon said property as an outdoor recreational site open and accessible for the use and benefit of the general public for ninety-nine (99) years. Land under ownership of the grantee or controlled such as by lease, upon which RTP funding for trail access development or maintenance is being used, shall be dedicated as an outdoor recreation trail open and accessible for the use and benefit of the general public for a minimum of twenty-five (25) years after the project completion date as set forth in the Project Agreement. A lease must not be revocable at will and must contain a clause which enables the grantee to dedicate by deeded easement, the land for the twenty-five (25) year period. All deed dedications must be recorded in the public property records by the grantee, or in the case of a nonprofit grantee, by the land owner.

The grantee must have and prove sufficient control and tenure of the project site that a conversion of use will not occur without appropriate mitigation to the satisfaction of the Division of State Parks and FHWA.

TERMINATING A GRANT

1. Termination Without Cause. Any discretionary or vested right of renewal notwithstanding, this contract may be terminated upon written notice by mutual consent of both parties or unilaterally by either party without cause.
2. State Termination for Non-appropriation. The State may terminate this contract, and Grantee waives any and all claim(s) for damages, effective immediately upon receipt of written notice (or any date specified therein) if for any reason the Contracting Agency's funding from State and/or federal sources is not appropriated or is withdrawn, limited, or impaired.
3. Cause Termination for Default or Breach. A default or breach may be declared with or without termination. This contract may be terminated upon written notice of default or breach as follows:
 - a. If Grantee fails to provide or satisfactorily perform any of the conditions, work, deliverables, goods, documentation or services called for by this Contract within the time requirements specified in this contract or within any granted extension of those time requirements; or
 - b. If any state, county, city or federal license, authorization, waiver, permit, qualification or certification required by statute, ordinance, law, or regulation to be held by Grantee to provide the goods or services required by this contract is for any reason denied, revoked, debarred, excluded, terminated, suspended, lapsed, or not renewed; or

- c. If Grantee becomes insolvent, subject to receivership, or becomes voluntarily or involuntarily subject to the jurisdiction of the bankruptcy court; or
 - d. If it is found by the State that any quid pro quo or gratuities in the form of money, services, entertainment, gifts, or otherwise were offered or given by Grantee, or any agent or representative of Grantee, to any officer or employee of the State of Nevada with a view toward securing a contract or securing favorable treatment with respect to awarding, extending, amending, or making any determination with respect to the performing of such contract; or
 - e. If it is found by the State that Grantee has failed to disclose any material conflict of interest relative to the performance of this contract.
4. Time to Correct. Termination upon a declared default or breach may be exercised only after service of formal written notice and the subsequent failure of the defaulting party within 15 calendar days of receipt of that notice to provide evidence, satisfactory to the State, showing that the declared default or breach has been corrected.
5. Winding Up Affairs Upon Termination. In the event of termination of this contract for any reason, the parties agree that the provisions of this paragraph survive termination:
- a. The grantee shall account for and be responsible for all claims for fees and expenses for the project as identified in the Project Agreement.
 - b. Grantee shall preserve, protect and promptly deliver into State possession all proprietary information.
 - c. In the case of Cause Termination for Default or Breach, the Grantee will reimburse the Division of State Parks all federal grant monies previously received through the RTP program for the project in question.
6. Remedies. Except as otherwise provided for by law or this manual, which will become of part of the grant agreement contract, the rights and remedies of the parties shall not be exclusive and are in addition to any other rights and remedies provided by law or equity, including, without limitation, actual damages, and to a prevailing party reasonable attorneys' fees and costs. It is specifically agreed that reasonable attorneys' fees shall include without limitation \$125 per hour for State-employed attorneys. The State may set off consideration against any unpaid obligation of Grantee to any State agency in accordance with NRS 353C.190.

APPENDIX A - EXAMPLE AGREEMENT

**STATE OF NEVADA
Division of State Parks
Recreational Trails Program Project Agreement**

Project Sponsor: Ghost Riders ITS.		Project Number: FY 2010-96																	
Project Name: Ridge Runner Trail																			
Period Covered by Agreement: From: Date of Notice to Proceed To: 12/31/2012																			
Scope of Work: The scope of work will consists of seven trailheads with kiosk and brochures, three bridges a historic brick walkway, and the start of an extensive trail that will span from The Ridge to Cloudy Draw. Grant funds will be used to purchase a Steel Hooves ATV, a kiosk and carsonite/stickers. Standards applied to this project: USFS Standard Specifications for Construction & Maintenance of Trails, Universal Access to Outdoor Recreation – A Design Guide																			
Total Project Cost: \$ 125,765		Federal Grant Share: <u>\$ 76,206</u> <u>61%</u>																	
See: Attachment A –Budget		Matching Share: <u>\$ 49,559</u> <u>39%</u>																	
The following attachments are hereby incorporated into this agreement: <input checked="" type="checkbox"/> 2014 Grant Manual <input checked="" type="checkbox"/> Project Proposal <input checked="" type="checkbox"/> Approved Budget																			
<p>This Agreement and its integrated attachment(s) constitute the entire agreement of the parties and as such are intended to be the complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with the subject matter hereof. Unless an integrated attachment to this Contract specifically displays a mutual intent to amend a particular part of this Contract, general conflicts in language between any such attachment and this Contract shall be construed consistent with the terms of this Contract. Unless otherwise expressly authorized by the terms of this Contract, no modification or amendment to this Contract shall be binding upon the parties unless the same is in writing and signed by the respective parties hereto.</p> <p>The project sponsor agrees to submit quarterly progress reports and requests for reimbursement. Reports must be submitted to the Nevada Division of State Parks on the forms provided by the Division on the dates listed below, in accordance with Nevada’s FY 2014 Recreational Trails Program Manual.</p> <p>Quarters and due dates:</p> <table><tr><td>1st quarter</td><td>January 1 through March 31</td><td>Report due:</td><td>April 10</td></tr><tr><td>2nd quarter</td><td>April 1 through June 30</td><td>Report due:</td><td>July 10</td></tr><tr><td>3rd quarter</td><td>July 1 through September 30</td><td>Report due:</td><td>October 10</td></tr><tr><td>4th quarter</td><td>October 1 through December 31</td><td>Report due:</td><td>January 10</td></tr></table>				1 st quarter	January 1 through March 31	Report due:	April 10	2 nd quarter	April 1 through June 30	Report due:	July 10	3 rd quarter	July 1 through September 30	Report due:	October 10	4 th quarter	October 1 through December 31	Report due:	January 10
1 st quarter	January 1 through March 31	Report due:	April 10																
2 nd quarter	April 1 through June 30	Report due:	July 10																
3 rd quarter	July 1 through September 30	Report due:	October 10																
4 th quarter	October 1 through December 31	Report due:	January 10																

Land owned by the grantee, or in the case of a nonprofit grantee or governmental entity, which is acquired with RTP funds, shall have a deed restriction upon said property as an outdoor recreational site open, accessible and maintained for the use and benefit of the general public for ninety-nine (99) years. Land under ownership of the grantee or controlled such as by lease, upon which RTP funding for trail access development or maintenance is being used, shall be dedicated as an outdoor recreation trail open, accessible and maintained for the use and benefit of the general public for a minimum of twenty-five (25) years after the project completion date as set forth in the Project Agreement. A lease must not be revocable at will and must contain a clause which enables the grantee to dedicate by deeded easement, the land for the twenty-five (25) year period. All deed dedications must be recorded in the public property records by the grantee, or in the case of a nonprofit grantee, by the land owner. The grantee must have and prove sufficient control and tenure of the project site that a conversion of use will not occur without appropriate mitigation to the satisfaction of the Division of State Parks and FHWA.

The State of Nevada hereby promises, in consideration of the promises made by the Project Sponsor herein, to take the necessary steps and action and to attempt to enter into an agreement with the Federal Highway Administration to obtain Federal Money for that portion of the project referred to as Federal Assistance, to accept such funds from the United States and to tender to the Project Sponsor that portion of the obligation which is required as the Federal Grant.

The Project Sponsor hereby promises, in consideration of the promises made by the State of Nevada herein, to execute the project described above in accordance with the terms of this agreement and as described in the Nevada Recreational Trails Program Grants Manual.

In witness whereof, the parties hereto have executed this agreement as of the date below:

STATE OF NEVADA	PROJECT SPONSOR
By:	By:
<u>State Parks Person</u>	<u>Jack A. Moe</u>
Signature	Signature of Representative
<u>Joe Schmo</u>	<u>Jack A. Moe</u>
Typed Name	Typed Name
<u>State Trails Coordinator</u>	<u>Ghost Riders ITS.</u>
Title	Name of Board/Commission/Agency
<u>6/24/2012</u>	<u>6/23/2012</u>
Date	Date

Reimbursement checks should be made payable to:

Name of Agency/Individual: Ghost Riders ITS

Address: 98766 ghost riders road

City, State, Zip: Carson City, NV 89701
DUNS # 09876668

Tax Identification #: 88-6987098

APPENDIX B - EXAMPLE QUARTERLY REPORT

QUARTERLY PROGRESS REPORT

(Submit this form every quarter)

- ☒ I am
☐ I am not

Submitting a request for reimbursement with this quarterly progress report.

Percent of Project Completed to Date: 80 %

Recreational Trails Program

Project Number: 2010-96 Grant Expiration Date: 12/31/2012
Grant Name: Ridge Runner Trail Maintenance
Contact: Jack A. Moe

Please verify and update the project sponsor contact data as needed.

Submission Period (*Check one*): ☐ January 1- March 31 (due April 10)
☒ **April 1- June 30 (due July 10)**
☐ July 1- September 30 (due October 10)
☐ October 1- December 31 (due January 10)

Quarterly Progress: (*Narrative description of work accomplished this quarter as it pertains to the scope of work.*)

All seven trail heads are constructed and completed. Three bridges were constructed and one was installed. Two kiosks were partially constructed. Brochure mapping work was completed. Work with the design company for bridge and signage projects is in the formative stage (two meetings). Pavers and Base material were ordered. Photos are attached. Map showing miles completed is attached.

REQUEST FOR REIMBURSEMENT(Submit this form **only** if requesting reimbursement and/or match)Project # 2014-9.☒ I am submitting a request for reimbursement.☒ I am submitting a request for match adjustment.Dates This Request Covers From: July 30th, 2014 to December 31, 2017.**INSTRUCTIONS**

1. Complete each blank every quarterly reporting period. If you are not submitting a request for reimbursement with this quarterly report, please enter zeroes in the appropriate columns.
2. **Round requests for reimbursement to the nearest dollar—do not show decimals on top table.**
3. Attach receipts, copies of checks or vouchers documenting proof that payment has been made for this reimbursement request. Documentation must be clearly labeled whether it is to apply toward the match or the grant share. The request must demonstrate that both the grant share and the matching share are being met.

A	B	C	D	E	F	G
Grant Award			Requests for Reimbursements			Balance Remaining (B-F)
Type	Amount	%	This Request	Previous Requests	Total (D + E)	
Grant	\$50,000	83%	\$ 1,724	\$ 100	\$ 1,824	\$ 48,176
Match	\$ 10,000	17%	\$ 2,839	\$ 100	\$ 2,939	\$ 7,061
Total	\$ 60,000	100%	\$4,563	\$ 200	\$ 4,763	\$ 55,237

Please **list** invoices and amounts and other documentation.**Grant Share Request:**

Please provide an itemized list of expenditures applied toward the grant share for this request.

(Please, only information pertinent to the reimbursement justification) Please **list** invoices and amounts here and attach backup documentation/copies

11/24/10	CC Building permit	\$1,320.00
12/03/10	Vital Signs	\$404.00
	TOTAL	\$1724.00

Matching Share:

Please provide an itemized list of expenditures applied toward the matching share for this request.

(Please, only information pertinent to the match justification)

12/30/10	CC Building Permit	\$2,786.86
12/17/10	Lowes	\$51.85
	TOTAL	\$2,838.71

(note that this is rounded to nearest on the uppermost table (\$2,839))

Jack A. Marshall

Signature

June 31, 2015

Date

EXAMPLE OF DOCUMENTING INKIND VOLUNTEER LABOR - MATCH SHARE

Volunteer Sign-In Sheet –Ward Charcoal Ovens State Historic Trail

Name	Date	Assignment	Hours	Rate	Total
J. Smith	11-5-01	Clear brush	8	\$15	\$120
	11-10-01	Clear brush	8	15	120
	11-20-01	Remove debris	8	15	120
	12-1-01	Clear brush	8	15	120
	12-5-10	Clear brush	8	15	120
	12-12-01	Clear brush	8	15	120
S. Jones	11-5-01	Clear brush	8	\$15	120
	11-10-01	Trail work	8	15	120
	12-1-01	Trail work	8	15	120
	12-5-10	Trail work	8	15	120
	12-12-01	Trail work	8	15	120
B. Brown	11-5-01	Clear brush	8	\$15	120
	11-15-01	Trail work	8	15	120
	12-1-01	Trail work	8	15	120
	12-5-10	Remove debris	8	15	120
	12-12-01	Remove debris	10	15	120
K. Wilson	11-5-01	Remove debris	8	\$15	120
	11-12-01	Remove debris	8	15	120
	11-13-01	Clear brush	8	15	120
R. Davis	11-5-01	Construct kiosk	8	\$15	176
	11-6-01	Construct kiosk	8	15	176
	12-1-01	Construct kiosk	8	15	176
	12-5-10	Construct kiosk	8	15	176
	12-12-01	Construct kiosk	10	15	220
C. Freeman	11-5-01	Crew leader	8	\$15	176
	11-6-01	Crew leader	8	15	176
	11-10-01	Crew leader	8	15	176
	11-15-01	Crew leader	8	15	176
	12-1-01	Crew leader	8	15	176
	12-5-10	Crew leader	10	15	220
	12-12-01	Crew leader	10	15	220
TOTALS					\$4554

EXAMPLE OF APPROVED BUDGET
(ALWAYS ROUND CENTS UP OR DOWN TO THE NEAREST DOLLAR)

Budget

Applicant: **Ghost Riders ITS**

Project Name: **Ridge Runner Trail**

	Item Description	Grant	+	Match	=	Total
A.	Design and Engineering Costs	\$3,400		\$0		\$3,400
	1. Project Design & Brochure Layout					
B.	Direct labor costs					
	<u>Salaries or actual costs</u>	\$0		\$6,872		\$6,872
	1. Brochure design: 80 hrs @\$22=\$1,760					
	2. In-kind labor: 220 hrs @\$22= \$4,840					
	3. Travel Costs: 160 mi x \$1.70= \$272					
	<u>Volunteer or donated labor</u>	\$0		\$42,172		\$42,172
	4. 2,640 hrs unskilled labor @\$15/hr = \$39,600					
	5. 117 hrs skilled labor @\$21.79					
C.	Special Service Purchase Contract:	\$3,033		\$0		\$3,033
	1. Brochures-NV State Printer = \$1,800					
	2. Design & Fabricate 4-18x24 Interpretive Panels = \$1,233					
D.	Purchase or rental of equipment:	\$0		\$515		\$515
	1. White Pine County – Dump truck					
E.	Construction Contract-for bridge installation	\$22,000		\$0		\$22,000
F.	Purchase of Materials	\$47,773		\$0		\$47,773
	1. Trail side benches: 6 x \$252.84 = \$1,517					
	2. 3 bridges: 3 x \$9,700 = \$29,100					
	3. Trail traffic counter: \$1,809					
	4. Carsonite trail markers: \$2,847					
	5. Kiosk: \$927					
	6. 4 sets of mounting hardware: \$244					
	7. Base material; 300cuy@ \$22 = \$6600					
	8. Pavers: 2200 at \$1.77=\$3,894					
	7. Misc. materials: \$835					
G.	Other (be specific)					
TOTAL		\$76,206		\$49,559		\$126.00

Nevada's 2005 State Recreational Trails Plan Issues

Issue #1

General Category: Loss of Public Access to Trails

Issue: Trail users perceive that recreation opportunities and motorized access are being reduced in both urban and rural settings.

Issue #2

General Category: Lack of Funding for Trails

Issue: The need for funding to plan, develop and maintain trails and Trailhead facilities will more than likely continue as Nevada's population grows and trail use and demand for new trails increase.

Issue #3

General Category: Closure of Trails and Roads

Issue: The concern is for the loss of opportunities due to closure of Recreational trails and roads for reasons such as erosion, environmental concerns, wilderness or special use designations.

Issue #4

General Category: Not Enough Trails

Issue: There is a demand for new trail opportunities in areas experiencing high growth rates.

Issue #5

General Category: Not Enough Support Facilities Near Trails

Issue: In addition to actual trail resources, users require support facilities appropriate to the area's use and activities.

Issue #6

General Category: Erosion and Deterioration of Trails

Issue: Trail users are concerned that the quality of their experience is being diminished through trail deterioration and erosion.

Issue #7

General Category: Not Enough Good Information Material About Nevada Trails

Issue: Trail users request information and detailed maps that provide up-to-date accurate information regarding trail condition and routes.

Issue #8

General Category: Lack of Trail Etiquette/Ethics

Issue: Lack of trail etiquette and environmental ethics can lead to user conflicts, unpleasant trail experiences and impacts to the environment.

Issue #9

General Category: Inadequate Trail Maintenance

Issue: Land managers are struggling to maintain existing trails due to increasing use levels and declining maintenance budgets.

Issue #10

General Category: Too Much Litter and Trash along Trails

Issue: Littering and lack of routine custodial maintenance are visible problems and negatively impact many trail users.

Issue #11

General Category: Lack of Directional Signs along Trails and Trailheads

Issue: Trails signs let people know their location and alerts users to intersections and points of confusion. Mileage markers and directional signs allow users to define the time and route needed for their trip. Damaged signs need to be replaced.

Issue #12

General Category: Lack of Trails Close to Home

Issue: Demand for trails and different types of use, especially within and adjacent to communities is increasing. The public demands trail opportunities that link homes to public land and other recreation features.

Issue #13

General Category: Too Many Different Types of Users on Trails

Issue: Conflicts between trail users increase when unintended activities or inappropriate behaviors occur such as mountain bicycles using a pedestrian only trail or users not yielding to others.

APPENDIX E

Federal National Environmental Policy Act (NEPA) and DOCUMENTATION NECESSARY FOR SECTION 106 EVALUATIONS, State Historic Preservation Office (SHPO)

This program is now subject to a Programmatic Agreement between FHWA, NDSP, NDOT AND SHPO to aid in streamlining the environmental requirements while still meeting all lawful federal requirements.

If your project does not fit into any of the three categories below, please contact Jenny Scanland at jscanland@parks.nv.gov 775-684-2787 for assistance.

- **Federal Applicant and/or Federal Landowner: Federal Agency application (NEPA)**

If a project is submitted by a Federal Agency; or is located on federally managed land; or there is another federal lead agency: That federal agency is responsible for ensuring compliance with the National Environment Policy Act (NEPA) and shall provide copies of the original signature NEPA or Categorical Exclusion (CE) documents. If consultation with SHPO was required under the agency's procedures for this undertaking, the documentation must include the letter of concurrence from SHPO. If consultation with SHPO is not required under the agency's procedures or agreements, a statement from the federal entity is required and Section 106 must be completed prior to funding.

- **If a County or other entity has created the required NEPA documents but the undertaking has not had a federally authorized decision document and/or the required Section 106 consultation with SHPO has not been completed, NDSP shall review all of the documents provided for NEPA sufficiency and Section 106 compliance. NDSP shall then send the documentation to NDOT review. NDOT shall consult with the SHPO. Findings will be forwarded to FHWA as the lead federal agency.**
- **Minor Projects on State or Private Land submitted by non-federal entities**

If your project clearly qualifies under one of the Categorical Exclusions below: NDSP will submit the application to SHPO and FHWA for funding authorization. A pre-inspection of the project may be required by NDSP State Trails Administrator.

FHWA TRAILS PROJECTS CATEGORICAL EXCLUSIONS

25. Maintenance of existing trails, bicycle lanes and pedestrian walkways such as: debris removal, brush clearing, surface re-grading, drainage structures, and course design features within previously disturbed soils, unless on or adjacent to a historic property including:

- a. trail way surface replacement; rehabilitation, resurfacing, or reconstruction; overlays; laying down of crushed stone or gravel and pavement marking.
- b. shoulder treatments; pavement repair; seal coating; pavement grinding
- c. installation of new signals and other traffic control devices, landscaping, bike racks, fences, signage and/or kiosks, benches, trash cans, pit or vault toilets, and other amenities, excluding lighting.
- d. trail heads and trail accesses that do not involve rehabilitation or alteration of historic properties and occur within areas previously disturbed by vertical and horizontal construction activities.
- e. parking lots that occur within areas previously disturbed by vertical and horizontal construction activities when such activities when such do not take place adjacent to or within a historic property.
- f. Replacement in kind of minor structures and facilities (comfort stations, pit toilets, fences, kiosks, signs, displays) with little or no change in location, capacity, or appearance if they are not in or adjacent to historic properties.

26. Minor trail relocation or development of less than one mile on compatible trail networks using existing roads or other established routes that have been previously surveyed for cultural resources and are not within or adjacent to historic properties.
